

**STATE WATER RESOURCES CONTROL BOARD
BOARD MEETING SESSION – OFFICE OF ENFORCEMENT
DECEMBER 5, 2023**

ITEM 5

SUBJECT

PUBLIC HEARING TO CONSIDER PROPOSED AMENDMENTS TO THE WATER QUALITY ENFORCEMENT POLICY.

DISCUSSION

Proposed amendments to the 2017 Water Quality Enforcement Policy (Enforcement Policy) were noticed for public comment on February 10, 2023. The State Water Board held a hearing to receive oral and written comments on the proposed revisions to the Enforcement Policy at the April 18, 2023, Board Meeting. Five presenters offered verbal comments, and at the closing time of the written public comments period, which ended on April 28, 2023, the Board received ten (10) comment letters.

The Office of Enforcement has reviewed and made determinations and revisions based upon the verbal and written comments received, prepared responses, and has proposed appropriate revisions based upon those comments.

POLICY ISSUE

The amendments would clarify certain principles that are central to the Enforcement Policy, helping to ensure more transparent and consistent application of the statutory factors outlined in California Water Code (Water Code) sections 13327 and 13385, subdivision (e) that the Water Boards must consider when assessing a civil liability. The amendments would also establish a template for evidentiary hearings to consider imposition of administrative civil liability, re-organize several sections to improve efficiency and flow, and add clarifications to a variety of provisions to enhance transparency to the Water Boards' enforcement process and penalty methodology application. Non-substantive technical amendments would increase comprehensibility.

FISCAL IMPACT

The proposed amendments will have no fiscal impact.

REGIONAL BOARD IMPACT

The Regional Water Boards are required to follow the Enforcement Policy when bringing enforcement actions pursuant to their authority in the Water Code. The Office of Enforcement (OE) works closely with the Regional Water Boards on enforcement matters and OE attorneys serve as counsel for the Regional Water Board prosecution staff. Many of the proposed amendments were made in consultation with, or in response to suggestions by, the Regional Water Boards.

STAFF RECOMMENDATION

Staff recommends the State Water Board adoption of the revised Water Quality Enforcement Policy at the December 5, 2023, Board Meeting.